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10/042,616	01/09/2002	Mark J. Flanagan	2001P18375US	7020

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EXAMINER

TO, JENNIFER N

ART UNIT	PAPER NUMBER
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2195

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08/09/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

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Office Action Summary	Application No. 10/042,616	Applicant(s) FLANAGAN, MARK J.	
	Examiner Jennifer N. To	Art Unit 2195	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 24 May 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-31 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-31 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. Claims 1-31 are pending for examination.
2. Claims 3, and 21 are objected to because of the following informalities:
typographically error, the word "ones" should be "one". Appropriate correction is required.

Claim Rejections - 35 USC § 101

3. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

4. Claims 1-9 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter.
5. Claims 1-9 are rejected under 35 U.S.C. 101 because the claimed invention are directed to review facility (i.e. system claim), but appearing to be comprised of software alone without claiming associated computer hardware required for execution. For example, according to the specification claim 1 recited the means for preparing a document, means for making prepared documents, means for collecting comments, means for distributing collected comments, and means for conducting a formal review, in which all of these means are software modules. Thus, a system comprises only software modules is in fact a software system. Thus claims 1-9 are directed to a non-

Art Unit: 2195

statutory subject matter. The following link on the World Wide Web is for the United States Patent And Trademark Office (USPTO) policy on 35 U.S.C. §101.

http://www.uspto.gov/web/offices/pac/dapp/opla/preognotice/guidelines101_20051026.pdf

Claim Rejections - 35 USC § 112

6. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

7. Claims 1-31 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

a. The following terms lacks antecedent basis:

- i. prepared documents – claims 1, 19;
- ii. said comment – claims 10, 27;
- iii. wherein returned comments – claim 18;

b. The claim language in the following claims is not clearly understood:

- i. as per claim 2, line 4, it is not clearly understood what is meant by “formatting retrieved said documents” (i.e. formatting said retrieved documents). In addition, line 4, it is not clearly understood what is meant by “formatting retrieved said documents” (i.e. only a documents retrieved in line 3 of this claim, then it should be formatting said retrieved document not formatting said retrieved documents);

- ii. as per claim 5, line 2, it is not clearly understood what is meant by “collected comments on blocks of code” (i.e. claim 5 is depend on claims 3 and 1, however, claims 3 and 1 only recited that reviewers reviewed document, hence it should be “collected comments on the document” not “collected comments on blocks of code” since the block of code never been reviewed by the reviewers).
- iii. as per claim 10, lines 11-13, it is not clearly understood what is meant by “further action is unnecessary at the time of said formal review with respected to said particular condition and ach corresponding said comment” (i.e. if no action is necessary taken then why conducting a formal review).
- iv. as per claims 11, 13, 20, 23, and 27-28, they have the same deficiencies as claims 2, 5, and 10 above. Appropriate corrections are required.
- v. This listing of all the above problems is meant to be exemplary not exhaustive. Applicant should carefully review all of his/her current claims for additional problems under 35 U.S.C 112, 2nd paragraph.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

Art Unit: 2195

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 1-3, 6, 8-11, 14, 16-21, 24, 26-29, and 31 are rejected under 35

U.S.C. 102(e) as being anticipated by Ross et al. (hereafter Ross) (U.S. Patent No. 7007232).

4. As per claim 1, Ross teaches the invention as claim including a review facility for providing a document for collaborative review by a plurality of reviewers and collecting comments from reviewers (abstract), said reviewer facility comprising:

preparation means for preparing a document for interactive review (col. 2, lines 55-60; col. 5, lines 6-14);

means for making prepared documents available for interactive collaborative review (col. 2, lines 45-60, col. 5, line 60 through col. 6, line 7) upload the articles to the web so reviewers can view), prepared said documents being independently re-viewable in said interactive collaborative review (col. 4, lines 61-64; col. 8, lines 23-34);

means for collecting comments on blocks of text in said prepared documents from said interactive collaborative review (col. 8, lines 48-61);

means for distributing collected said comments from said interactive collaborative review (col. 9, lines 49-63); and

means for conducting a formal review, said formal review considering previously distributed comments from said interactive collaborative review (col. 9, line 64 through col. 10, line 35).

5. As per claim 2, Ross teaches that wherein means for preparing said document for interactive review comprise selection means for selecting and retrieving said document, and means for formatting retrieved said documents (col. 2, lines 60-63).

6. As per claim 3, Ross teaches that wherein the means for formatting said documents identifies individual said blocks of text within said documents, said interactive collaborative review providing comments on one of said individual blocks of text (col. 6, lines 8-49).

7. As per claim 6, Ross teaches that wherein the means for collecting comments comprises means for providing documents to reviewers, and reviewer selection means for selecting said documents for review responsive to reviewer selection (col. 5, lines 29-36).

8. As per claim 8, Ross teaches that wherein the document being reviewed is a text file (col. 6, lines 13-17).

Art Unit: 2195

9. As per claim 9, Ross teaches that wherein said means for distributing collected said comments makes collected said comments available for further interactive collaborative review, and said means for conducting said formal review comprises means for presenting for consideration collected comments from said interactive collaborative review, said collected comments being previously distributed by said means for distributing collected comments to identified reviewers participating in said formal review (col. 8, line 23 through col. 10, line 34).

10. As per claim 10, Ross teaches the invention as claim including a method of reviewing a document being prepared for distribution (abstract), said method comprising the step of:

preparing a document for interactive review (col. 2, lines 55-60; col. 5, lines 6-14);

making said prepared document available for said interactive review (col. 2, lines 45-60, col. 5, line 60 through col. 6, line 7) and receiving comments on said prepared document from said interactive review (col. 4, lines 61-64; col. 8, lines 23-34); and

conducting a formal review meeting of said interactively-reviewed document with a plurality of reviewers, whereby one or more of the previously provided said comments sufficiently provides attending reviewers awareness of a particular condition with respect to said interactively-reviewed document that said comment maybe addressed in said interactive review prior to said formal review meeting, such that further action is

Art Unit: 2195

unnecessary at the time of said formal review with respect to said particular condition and each corresponding said comment (col. 9, line 64 through col. 10, line 35).

11. As per claim 11, it is rejected for the same reason as claim 2 above.

12. As per claim 14, Ross teaches that wherein each occurrence of said interactive review in the step of making the prepared document available comprises the steps of selecting said documents, reviewing comments on said selected document, determining whether said selected document warrant additional comments, distributing warranted additional comments on said selected document, and repeating all the steps until all documents review have been selected (col. 10, line 36 through col. 11, line 43).

13. As per claim 17, Ross teaches that wherein documents are stored in a central repository and the step of selecting said document comprises connecting over the internet to said central repository and accessing said document (col. 13, line 65 through col. 14, line 23).

14. As per claim 18, Ross teaches that wherein returned comments are available for display upon receipt (col. 10, lines 18-35).

15. As per claims 19-21, 24, and 26-28, they are rejected for the same reason as claims 1-3, 6, 8, and 10 above.

Art Unit: 2195

16. As per claim 29, Ross teaches that wherein said document is a text file and said formatting step causes said processor to identify individual blocks of text in said text file for comments and further, built a comment file, comments provided on said blocks of text being contained in said comment file (col. 8, lines 23-61).

17. As per claim 31, it is rejected for the same reason as claim 17 above.

Claim Rejections - 35 USC § 103

18. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

19. Claims 4-5, 7, 12-13, 15, 22-23, 25, and 30 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ross et al. (hereafter Ross) (U.S. Patent No. 7007232), as applied in claims 1-3 above, and in view of Brothers et al. (hereafter Brothers) ("ICICLE Groupware For Code Inspection", CSCW 90 Proceedings, October 1990, pages 169-181).

20. Brothers was cited in the previous office action.

21. As per claim 4, Ross teaches the invention substantially as claimed in claims 1-3. Ross did not specifically teach that wherein said document is a software source code

Art Unit: 2195

blocks, said individual blocks of text are individual lines of said source code, and said formatting means further builds a comment file, collected comments on code lines being contained in said comment file.

22. However, Brothers teaches a code inspection system for inspecting document and wherein said document is a software source code blocks, said individual blocks of text are individual lines of said source code, and said formatting means further builds a comment file, collected comments on code lines being contained in said comment file (figs. 1-2, page 172, 174).

23. It would have been obvious to one of an ordinary skill in the art at the time the invention was made to use the code inspection system of Brothers with the reviewing system of Ross, as this would enable to expand the capability of Brothers' s system into software development environment to review/inspect software code.

24. As per claim 5, Ross teaches the invention substantially as claimed in claims 1-3. Ross did not specifically teach that wherein said formatting means further builds a comment file, collected comments on blocks of code being contained in said comment file.

Art Unit: 2195

25. However, Brothers teaches formatting means further builds a comment file, collected comments on blocks of code being contained in said comment file (figs 1-2, pages 172, 174).

26. It would have been obvious to one of an ordinary skill in the art at the time the invention was made to use the code inspection system of Brothers with the reviewing system of Ross, as this would enable to expand the capability of Brothers' s system into software development environment to review/inspect software code.

27. As per claim 7, Ross teaches the invention substantially as claimed in claims 1, 6. Ross did not specifically teach wherein the document being reviewed to reviewer is source code for software and block of text of said source code are individual lines of code.

28. However, Brothers teaches the document being reviewed to reviewer is source code for software and block of text of said source code are individual lines of code (figs. 1-2, pages 172, 174).

29. It would have been obvious to one of an ordinary skill in the art at the time the invention was made to use the code inspection system of Brothers with the reviewing system of Ross, as this would enable to expand the capability of Brothers' s system into software development environment to review/inspect software code.

Art Unit: 2195

30. As per claims 12-13, 15, 22-23, 25, and 30, they are rejected for the same reason as claims 4-5, and 7 above.

Response to Arguments

31. Applicant's arguments with respect to claims 1-31 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

32. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.


Ramaley et al. (U.S. Patent No. 7107518), Zhu et al. (U.S. Patent No. 6654032), Green (U.S. Patent No. 7194679), Demko et al. (U.S. Patent no. 6983263), Srinivasa (U.S. Patent no. 7209948), Speyrer et al. (U.S. Patent No. 7234131), and Ivanov (U.S. Patent No. 5706452) teach system and method for collaborative review software/document process.

33. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jennifer N. To whose telephone number is (571) 272-7212. The examiner can normally be reached on M-T 6AM- 3:30 PM, F 6AM- 2:30 PM.

34. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Meng-Ai An can be reached on (571) 272-3756. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

35. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Jennifer N. To
Examiner
Art Unit 2195


LEWIS A. BULLOCK, JR.
PRIMARY EXAMINER